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ABSTRACT

This publication reports on the joint hearing to consider H.R. 3559 which would amend the charter of the Commission on the Bicentennial of the United States Constitution (Public Law 98-101) by authorizing the Commission to license use of their official emblem, lifting the cap on the number of publicly paid staff, exempting privately paid staff from civil service regulations, raising the ceiling on individual and corporate donations, and extending the life of the Commission from 1989 to 1991. Statements are given by: Congresswoman Lindy Boggs of Louisiana; Congressman Philip M. Crane of Illinois; Mark W. Cannon, staff director of the Commission on the Bicentennial of the U.S. Constitution; Sheilah Mann, director of Project 1987; and Senator Strom Thurmond of South Carolina. Also included are commission member lists, project policy statements, an educational program proposal, a prospectus on Project '87, and an explanation of H.R. 3559. (TRS)

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COMMISSION ON BICENTENNIAL OF CONSTITUTION OF UNITED STATES

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON
COMPENSATION AND EMPLOYEE BENEFITS

AND THE

SUBCOMMITTEE ON
CENSUS AND POPULATION

OF THE

COMMITTEE ON POST OFFICE AND CIVIL SERVICE HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

FIRST SESSION

ON

H.R. 3559

A BILL TO AMEND THE ACT ESTABLISHING A COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION OF THE UNITED STATES TO CLARIFY THE STATUS OF EMPLOYEES OF THE COMMISSION, TO RAISE THE LIMITS ON PRIVATE CONTRIBUTIONS, AND FOR OTHER PURPOSES

DECEMBER 5, 1985

Serial No. 99–39

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JOINT HEARING ON H.R. 3559

THURSDAY, DECEMBER 5, 1985

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON CENSUS AND POPULATION, AND SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS, COMMITTEE ON POST OFFICE AND CIVIL SERVICE,

Washington, DC.

The subcommittees met, pursuant to call, at 9:35 a.m., in room 311, Cannon House Office Building, Hon. Mary Rose Oakar (chair of the Subcommittee on Compensation and Employee Benefits) presiding.

Ms. OAKAR. The subcommittees will come to order.

It is a pleasure to have this hearing this morning and to be cochairing it with Congressman Bob Garcia, chairman of the Subcommittee on Census and Population. Congressman Garcia should be commended for initiating this hearing. Congressman Garcia and I will work toward swift consideration of H.R. 3559 during the second session of this Congress.

I would like to, in the interest of time, submit my entire statement for the record and now call upon my distinguished chairman of the Census Subcommittee, Congressman Garcia.

[The statement of Ms. Oakar follows:]

OPENING STATEMENT OF CONGRESSWOMAN MARY ROSE OAKAR

Before making a few brief remarks about H.R. 3559, I would like to thank Congressman Bob Garcia, chairman of the Subcommittee on Census and Population, for initiating today's hearing. Both Congressman Garcia and I will work toward swift consideration of H.R. 3559 during the second session of this Congress.

In September, 1983, the President signed into law a bill authorizing the formation of a Commission on the Bicentennial of the United States Constitution. Public Law 98-101 provides for a 23-member panel to plan celebration activities on September 17, 1987, to honor the 200th anniversary of the Constitutional Convention: a gathering which charted our system of Government that has stood as a beacon of democracy for nearly 2 centuries.

Despite enactment of the legislation in 1983, the commissioners were appointed only 5 months ago, on July 16, 1985. The inordinate delay in making the appointments created substantial financial and organizational problems for the commissioners, as they attempted to plan the historic celebration which will begin in less than 2 years.

H.R. 3559, the bill or subcommittees are considering today, was introduced by Congresswoman Lindy Boggs of Louisiana and Congressman Phillip Crane of Illinois. Both Congresswoman Boggs and Congressman Crane are members on the bipartisan commission. It is my understanding that they are joined by other commissioners in supporting this legislation which is designed to remedy some of the problems caused by the delay in establishing the commission. H.R. 3559 would amend the charter of the Commission on the Bicentennial of the United States Constitution (Public Law 98-101) by authorizing the Commission to license use of their official emblem, lifting the cap on the number of publicly paid staff, exempting privately paid staff from civil service regulations, raising the ceiling on individual and corpo-

rate donations, and extending the life of the Commission from 1989 to 1991, the anniversary of the ratification of the Bill of Rights.

Today, we will receive testimony from both the sponsor of the House bill, Congresswoman Boggs and Congressman Crane. Congresswoman Boggs is a highly respected member of this body and has served on other fine commemorative commissions. Congressman Crane has also served this Congress well. I am certain that Congresswoman Boggs and Congressman Crane will represent our Nation well in planning the Bicentennial Celebration for the Constitution. Mr. Mark Cannon, staff director of the Commission on the Bicentennial of the United States Constitution; and Dr. Sheila Mann, director of Project '87 will also be appearing today.

I look forward to today's testimony and thank all the witnesses for appearing before us. As I stated at the outset of my remarks, Congressman Garcia and I are very interested in assisting the Commission to make certain that the Bicentennial Celebration of our Constitution reflects the spirit and national accomplishments that have flowed from this great document.

Mr. GARCIA. Thank you, Madam Chair.

I will enter my statement in the record. Yesterday, we had an extensive meeting with some of the members of the Commission and its staff. I think we covered a great deal of ground. So for the sake of brevity, I will submit my testimony for the record.

[The statement of Mr. Garcia follows:]

OPENING STATEMENT OF HON. ROBERT GARCIA

Good morning and welcome to our hearing on H.R. 3559, a bill to amend the act establishing the Commission on the Bicentennial of the United States Constitution. (Joining us in this hearing today is my colleague Mary Rose Oakar, Chairwoman of the Subcommittee on Compensation and Employee Benefits, who has provided us with her support and assistance.)

As you are well aware, the Commission was created to plan and direct the commemoration of the Bicentennial of the United States Constitution. With the involvement of private groups and organizations, the Commission will promote activities that will lead to a wider awareness, understanding, and appreciation of our constitutional heritage. The Commission will also work with the Congress, Federal agencies, and State Commissions in the organization and coordination of the forthcoming celebrations.

Due to a series of delays in the establishment of the Commission, the Commission itself has been in effect for a little over 4 months. As a result, the Commission is facing a shortage of both time and funding that might prove detrimental to the planning of the Bicentennial celebration. The Commission has less than 2 months to prepare for the commemoration of Virginia's call in January 1786 for the Annapolis convention. By making allowances for adequate funding and personnel, the proposed amendments would attempt to diminish these constraints.

We must be assured that the measures considered today will be consistent with the purpose of the Commission and that they will enhance the celebration of the Constitution and of the essential role which it plays in our unique experience as a self-government Nation.

I would like to add one final comment. Our Constitution is universally distinguished by its inherent flexibility, by its ability to react and respond to the diversity of interests and needs of our citizens. Thus, I would hope that the forthcoming celebrations would reflect the egalitarian nature of our constitutional heritage, reaching out towards each and every individual in this nation.

Now I would like to extend a personal welcome to Congresswoman Lindy Boggs, who introduced H.R. 3559, and to Congressman Philip M. Crane, a member of the Bicentennial Commission. I would also like to extend my thanks to those of you who have expressed an interest in this hearing today.

Ms. OAKAR. Let me recognize our distinguished minority members.

Mr. MYERS. Thank you, Madam Chair, and Chairman Bob. We appreciate very much you calling this meeting today as we approach the 200th anniversary of our great country, the celebration of the Bicentennial, it is most appropriate that we do something

out of the ordinary to celebrate this time, so I am pleased that you are having this Commission hearing today. Thank you.

Ms. OAKAR. Thank you.

Congressman Hansen.

Mr. HANSEN. Thank you, Madam Chair.

Let me just say very briefly, if I may, I appreciate our colleagues being with us and on the second panel I notice that Dr. Mark Cannon is going to be here. He served in this body for 5 years as administrative assistant to my distinguished predecessor, Congressman Henry Aldous Dixon. Dr. Dixon has served as president of Utah State University and Weber State College, and he is one of the leading citizens of my State.

Dr. Cannon has served as the University Department chairman in Political Science, as director of the Institute of Public Administration, New York city, and administrative assistant to the Chief Justice. He has published numerous books and articles pertaining to Government policy and administration. His most recent book is used from the bench, The Judiciary and the Constitutional Politics. He brings a rich background to the position of the staff director of the Commission of the Bicentennial of the United States Constitution.

I appreciate having Dr. Cannon with us as well as the others who will be on these panels today. Thank you.

Ms. OAKAR. Thank you very much.

Our first witnesses are our own appointees to the Commission, Congresswoman Lindy Boggs and Congressman Phil Crane. With all due respect to Mr. Crane, who represents my sister and her family, in Palatine, IL, I did want Lindy to know publicly that Congresswoman Boggs has such a way about her when she asks the committee for something I think my distinguished chairman and I just can't refuse her. So it is a pleasure to have both of you here.

Congresswoman Boggs, would you like to begin?

STATEMENT OF HON. LINDY BOGGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mrs. BOGGS. Thank you very much, Madam Chair. I think I should quit while I am winning.

Thank you very, very much. We really appreciate the committee's willingness to schedule these joint hearings on our legislation this morning. Because of the nature of the legislation, timely action by the House of Representatives is essential.

I am joined by colleagues from the House and Senate who serve on the Commission, on the Bicentennial of the United States Constitution, and appearing on behalf of legislation to amend the Commission's charter. Representative Crane and I have jointly sponsored H.R. 3559. Senators Thurmond, Stevens, Kennedy, and Hatch have sponsored a companion bill, S. 1779.

The Commission on the Bicentennial of the United States Constitution was established in September 1983 by Public Law 98-101. The 200th anniversary of the approval of the Constitution by delegates attending the Constitutional Convention in Philadelphia will occur on September 17, 1987, just really a few months away.

The full complement of the Commission's 23 members has now been appointed. I would like to submit a listing of the Commission's members for the record, if I may. As you can see, the Commissioners represent a very broad selection of elected officials, members of the Judiciary, scholars and private citizens, all of whom bring special qualifications and talents to the Commission.

Ms. OAKAR. Without objection, so ordered.

[The list follows:]

updated: September 6, 1985

LIST OF MEMBERS APPOINTED TO THE
PRESIDENT'S COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION
Appointed June 25, 1985

Honorable Warren E. Burger
Chairman
Chief Justice of the United States
Supreme Court of the United States
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Executive Vice President and Treasurer
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Honorable Lindy Boggs
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Honorable Herbert Brownell
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LIST OF MEMBERS APPOINTED TO THE
PRESIDENT'S COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION
Appointed June 25, 1985

Reverend E.V. Hill
Mount Zion Missionary
Baptist Church
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Sixth Circuit
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LIST OF MEMBERS APPOINTED TO THE
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Appointed June 25, 1985

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University of San Diego
San Diego, California 92110

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Mr. Obert C. Tanner
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Honorable Strom Thurmond
218 Senate Russell Office Bldg.
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Managing Director and Partner
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Honorable Charles E. Wiggins
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San Francisco, California 94101

Charles Alan Wright
Professor of Law
University of Texas Law School
4117 Townes Hall
727 East 26th Street
Austin, Texas 78705

Mrs. BOGGS. Thank you.

The Commission's headquarters have been established at 734 Jackson Place on Lafayette Park. A small staff, with Dr. Mark Cannon as director, has begun the process of organizing and initiating the details of the Constitutional Bicentennial observance.

To date, the Commission has held five meetings, all of which have been well attended. From what I have observed, each Commissioner has great respect and affection for the document we call our Constitution, and for the hopes, aspirations and traditions of freedom that it represents.

If the enthusiasm and dedication of my fellow Commissioners are any indication, the events associated with the Bicentennial will be enlightening and long remembered.

I would also like to submit for the record a copy of the Commission's first report to the Congress and to the President. The report was submitted on September 17, the 198th anniversary of the promulgation of the Constitution.[1]

One of the real concerns expressed by members of the Commission and other parties interested in the upcoming Bicentenniai is a lack of time remaining to prepare properly for the events of the next several years. Because the initial members of the Commission were not appointed until July 16, the Commission is somewhat behind the optimum schedule for planning and coordination.

In recognition of the constraints imposed by time on the mandate to "promote and coordinate activities to commemorate the Bicentennial of the Constitution," the Commission has requested that Congress modify its charter, Public Law 98-101. The changes recommended by the Commission are contained in this legislation. Essentially they include:

1. The authority for the Commission to control the use of the official emblem of the Bicentennial and to license its use by the public;
2. Removal of the limitation on the number of Commission staff who may be compensated through appropriated funds;
3. Exemption from civil service regulations of Commission staff paid from privately donated funds; and
4. Raising the ceiling on the amount an individual can contribute to the Commission to $250,000 per annum and on the amount a corporation, partnership, or other business organization can contribute to $1 million per annum.

In addition, this legislation includes a provision to extend the life of the Commission from 1989, the anniversary of the ratification of the Constitution and the establishment of the Federal Government, until 1991, the anniversary of the ratification of the first 10 amendments to the Constitution—our Bill of Rights.

Separate legislation, H.R. 3415, has been introduced to authorize the production of coins and medals by the Treasury to commemorate historic events associated with the drafting and ratification of the Constitution. Proceeds from the sale of these items will assist in funding some of the Commission's activities.

Madam and Mr. Chairman, and other members of the committee, I served as a member of the American Revolution Bicentennial Administration from 1974 until 1977. From my experience as an active participant in the commemoration of the American Revolution Bicentennial, I can bring a certain appreciation of the chal-

[1] Retained in official files.

lenge facing this Commission in discharging its responsibilities to "promote and coordinate activities to commemorate the Bicentennial of the Constitution."

For example, the original agency charged with preparing for the celebrations of 1976 was the American Revolution Bicentennial Commission. It was established in 1966, fully 10 years prior to the celebration of our independence. While there were problems with the original agency, which resulted in its reorganization as the American Revolution Bicentennial Authority [ARBA], there was sufficient time for planning for the anniversary of our independence, one of the best patriotic celebrations in our history. Unfortunately, the Commission on the Bicentennial of the Constitution was not fully appointed until this summer. There really is not a great deal of time to accomplish our mission.

Another example of the constraints facing this Commission is funding. The two agencies charged with the responsibility for the 1976 celebration received more than $51 million in appropriated funds. Another $50 million was appropriated by Congress to other agencies for Bicentennial activities in 1975 and 1976 alone.

In contrast, our fiscal year 1985 supplemental, Public Law 99-88, appropriated $330,000 to the Commission and the fiscal year 1986 Commerce, Justice, State and the Judiciary appropriations bill, H.R. 2965, contains another $775,000 for the Commission.

In short, the 1976 commemoration was 10 years in the planning and was supported by more than $100 million in Federal appropriations.

This Commission has just 2 short years to promote and coordinate the commemoration of the Nation's founding charter, with a fairly lean budget to accomplish its objectives. The changes recommended by the Commission, raising the limit on nongovernmental contributions, authorizing the minting of medals and coins, and permitting the licensing of the celebration's official emblem or logo, will better enable the Commission to successfully execute its responsibilities in the short time remaining until September 17, 1987.

There is much to be done, but little time in which to accomplish what needs to be done. I believe very strongly that these changes in the Commission's charter are reasonable and will enable the Commission to plan and coordinate a celebration worthy of the Constitution. Swift action on this legislation is essential and that is why I am so very grateful to you for holding this joint hearing and for being willing to accelerate the passage of the legislation.

Thank you very much.

Ms. OAKAR. Thank you, Congresswoman.

Now we would like to hear from our colleague, Congressman Crane.

STATEMENT OF HON. PHILIP M. CRANE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. CRANE. Thank you, Madam Chair, Mr. Chairman, and distinguished members of the subcommittee.

I think Lindy has pretty well summarized our presentation. So I would ask unanimous consent that mine be included in the record.

Ms. OAKAR. Without objection.

Mr. CRANE. I would just like to touch on a couple of points that I think are probably significant and may be of interest or concern to the subcommittees.

Back in 1983, I introduced the first legislation to create a Bicentennial Commission. My interest stems from my own background which was teaching U.S. history before I came here. What always struck me was that virtually anyone can cause a revolution; what you do with your revolution is infinitely more significant. For this reason, I think this occasion, namely, the Bicentennial of the ratification of our Constitution, while less flamboyant than the Proclamation of Independence in 1776, in many respects is vastly more significant even than what took place on the 4th of July in 1776.

The legislation, as Lindy indicated, involves a very modest amount of appropriated funds in contrast to what was appropriated for the Bicentennial of our independence. We are not talking millions, but we do feel that the limits on private contributions ought to be raised, and corporate contributions, because of the reliance we would rather place on the private sector for raising most of the money. Secondly, there is a sense of urgency, that Lindy has already indicated, dictated out of the time constraints we are working under.

The addition of time for the duration of the Commission seemed to all of us appropriate because the Bill of Rights, while not a part of that original document, in many respects was viewed in the eyes of the Founding Fathers as a part of the original document. And during some of the ratifying debates, the feeling was that there had to be the addition of those 10 amendments, basically, thou shalt nots about what Government can not do to the people. So it seems appropriate that we extend the duration of the Commission through that time when the final 10th amendment was ratified as a part of that complete package.

So I would appeal in behalf of my colleagues on the Commission to you folks to grant us this extension and modest appropriations, and the authority to go forward.

Thank you so much for giving us the opportunity to plead our case.

[The statement of Mr. Crane follows:]

STATEMENT OF HON. PHILIP M. CRANE

Mr. Chairman, Madam Chairman, and distinguished Members of the Subcommittees, it is indeed a pleasure to have the opportunity to testify before this joint Subcommittee on H.R. 3559, legislation to amend the Act establishing the Commission on the Bicentennial of the U.S. Constitution. Representative Boggs and I have jointly introduced this legislation on behalf of the Commission, on which we have both been appointed to serve.

In 1983, I introduced the original House legislation to create a Commission on the Bicentennial of the U.S. Constitution. The purpose of the Commission, as described in Section 3 of Public Law 98-101, is to "promote and coordinate activities to commemorate the bicentennial of the Constitution." The Commission hopes that it will be able to stimulate thousands of organizations at the grass roots level to educate the public on the Constitution and the unique aspects of this document which ensures freedom under law. In light of the fact that it has taken two years for the President to appoint the Commission, it is imperative that the amending legislation receive prompt attention so that the Commission can fully undertake the enormous task before it.

The challenge facing this Commission perhaps is best illustrated by comparing it to the American Revolutionary Bicentennial Administration (ARBA), after which our Commission is modeled. ARBA was formed in 1966 to plan the celebration of the 200th anniversary of the Declaration of Independence. It had ten years to organize and raise private funds, and enjoyed more than $118 million in appropriated funds. Incontrast, with the bicentennial of the U.S. Constitution less than two years away, fiscal year 1985 appropriations only amounted to $331,000. For fiscal 1986, an amended appropriation of $775,000 has been requested for the Commission.

Due to the shortage of time and the modest initial supporting appropppriations, the Commission has respectfully asked that the original Act that established the Commission on the Bicentennial of the Constitution be amended to clarify the status of employees of the Commission, to remove the limitation on the number of Commission staff who may be compensated through appropriated funds, and to raise the limits on private contributions.

The bill also contains a provision that would extend the life of the Commission from 1989 to 1991. The purpose is not just to extend the life of the Commission, but to commemorate the entire ratifying process of the original document. Although by 1789, the Constitution was ratified by all the original states except Rhode Island, it was done so with the caveat that a bill or rights would be added shortly thereafter. The Bill of Rights to the U.S. Constitution was not ratified by the requisite number of states until 1791. For this reason, I believe that it is fitting to extend the life of the Commission to correspond with the entire bicentennial celebration of our original Constitution. The Bill of Rights was an integral part of the concept of the U.S. Constitution and deserves recognition by this Commission and the people of the United States.

In closing, it should be remembered that while our nation may be one of the younger nations in the world, it has the oldest, relatively unchanged, form of government in the entire world. The U.S. Constitution is considered such an act of genius that it is the most frequently used consitutional model for developing and restructuring countries. Almost 200 years ago the framers of our Constitution fashioned a nearly perfect instrument of government, one that has demonstrated the remarkable capacity to adapt to a changing world. The Commission on the Bicentennial of the Constitution of the United States desperately needs the support of the 99th Congress to ensure that proper recognition and tribute is paid to this truly great achievement.

Ms. OAKAR. Thank you very much, Congressman.

Mr. Chairman.

Mr. GARCIA. To both of my colleagues I would like to say once again that we had a fairly extensive meeting yesterday, and that for the most part we have stated very clearly that we would like to help you in whatever way we can.

This extension is new to me, though. I don't think that it was brought up in any conversation with the Commission members and staff. I have no problems with it, and I think that we will try and expedite this process. As a matter of fact, I just leaned over to counsel and asked if we could get it passed this year. I don't know if we can because the full committee might not be getting together between now and the end of the year. But if they should get together, we will try and push it through as quickly as possible.

Ms. OAKAR. Thank you.

Mr. Myers.

Mr. MYERS. Thank you, Madam Chair.

I join my colleagues in welcoming our two colleagues here. Lindy and I served on Appropriations together for a number of years. It is always a pleasant experience to share with Lindy our responsibilities in the appropriations process.

Madam Chair, you spoke of your family association with Congressman Crane. Mine goes back much further than that. I have known Phil, his brother, and his family ever since—I am a little bit older than he—for a number of years. His family are all constitu-

ents of mine. In fact, his brother was so close to him he ran against me back 20 years ago. [Laughter.]

And the whole family did it. They are a big family, I will tell you that.

Ms. OAKAR. How are they doing now? Are they supporting you?

Mr. MYERS. Yes. His father still comes to all the political meetings—and his family.

We are pleased to have both of you here and it is always good to see you, Phil.

Mr. CRANE. Thank you.

Ms. OAKAR. Mr. Hansen.

Mr. HANSEN. Thank you, Madam Chairman. I have no comment. Thank you for your excellent remarks. I appreciate what they have said and support what we are trying to accomplish here. Thank you.

Ms. OAKAR. Thank you very much. A pleasure to have both of you here.

Mrs. BOGGS. Thank you very much.

Mr. CRANE. Thank you again, Madam Chair.

One thing I might add in parting, is Chief Justice Burger made an observation that I think is probably the significant one with regard to what we are trying to do. He said, we have a unique opportunity historically to provide for a major national civics lesson. If we can accomplish that, that will be a remarkable achievement, and I think one that will be to the benefit of all of us.

Ms. OAKAR. Thank you.

Mr. MYERS. Madam Chair—when you are speaking about that—if I may be recognized.

Ms. OAKAR. Sure.

Mr. MYERS. I don't know how far or how much work your Commission has done. I apologize for not already knowing. But it is one thing to put on a show, which I kind of felt the Fourth of July celebration 2 years ago was kind of a—was it 2 years ago? More than that. Several years ago. Nine years ago, hasn't it? It seems like just a couple of years ago.

Mr. CRANE. Time flies when you are having a good time, John.

Mr. MYERS. I must be drinking the wrong stuff, then. [Laughter.]

And that particular show, I felt like it was a show—that the American people really didn't get involved enough. Now, I hope that your Commission can be able to involve the people, because I think really this is a country of people. The people are really the strength behind the country. I am not going to make a patriotic speech here, but if somehow you can get the people all involved in this celebration, I think it would be so important. I don't know how you would do that. That's the reason we have a Commission. But I hope you folks can get the people really involved—to live part of this great celebration.

We have a fragile system. It has survived 200 years, and that in itself is something that really the people ought to be most appreciative. We all are, and we survive on a daily basis here.

Mrs. BOGGS. Will the gentleman yield to me?

Mr. MYERS. Sure.

Mrs. BOGGS. The Fourth of July in 1976 was just out of the culmination of a lot of joyous celebration and remembrance, and a lot

of hoopla, for the bursting forth of a revolution. Of course, a great many other activities occurred as well.

The Commission has the feeling that this obsgruance should be a "cerebration" as well as a celebration, and that is why there is so much emphasis being placed on education. We would like to get the study, and the meaning, and the beauty of the Constitution into every classroom in America. So thank you very much for your comment.

Mr. MYERS. Thank you for your comments.

Ms. OAKAR. Thank you very much. A pleasure to have you here.

Mr. CRANE. Thank you.

Mrs. BOGGS. Thank you.

Ms. OAKAR. The statement of Senator Strom Thurmond will be placed in the record at this point.

[The statement follows:]

STATEMENT OF HON. STROM THURMOND

Madame Chairman, I regret that my duties in the Senate prevented me from accepting your invitation to testify before today's joint hearing of the House Subcommittee on Compensation and Employee Benefits and the House Subcommittee on Census and Population. I appreciate the opportunity to submit testimony to your subcommittees in support of H.R. 3559, legislation relating to the functions of the Commission on the Bicentennial of the United States Constitution.

As the distinguished members of your Subcommittees are aware, in 1983, Congress recognized the importance of the 200th birthday of our Nation's great Constitution. It did so by authorizing, in Public Law 98–101, the establishment of the Commission on the Bicentennial of the United States Constitution. The purpose of the Commission is to coordinate and encourage the celebration of the Bicentennial.

Unfortunately, the Commission was not assembled as early as anticipated by Congress, and was able to meet for the first time only about 4 months ago. Madame Chairman, it is now less than 2 years until we celebrate the Bicentennial. As one who is privileged to be a member of the Bicentennial Commission, I am aware of the enormous task which lies ahead of the Commission in its effort to ensure that the Bicentennial will be a meaningful and successful national experience.

At the first and second meetings of the Commission, several proposed changes to Public Law 98–101 were discussed and endorsed by the membership. These changes would enable the Commission to more quickly and more ably prepare for the Bicentennial. The legislation being considered by your committees today, H.R. 3559, contains most of those changes. This legislation is very similar to S. 1779, which I have introduced in the Senate, along with Senators Kennedy, Stevens, and Hatch.

The major provisions of both bills would:

Allow the Commission to use the official emblem of the Bicentennial to raise revenue for the commemoration, with penalties for its unauthorized use.

Remove the limitations on the number of Commission staff who may be compensated through appropriated funds.

Exempt from civil service regulations Commission staff paid from privately donated funds.

Raise the ceiling on the amount an individual can contribute to $250,000 per annum, and on the amount a corporation, partnership, or other business organizatoin can contribute to $1 million per annum.

H.R. 3559, but not S. 1779, proposes to extend the life of the Commission from 1989 to 1991. This proposed extension was not included in the Senate bill in an effort to limit the legislation to provisions designed to address the Commission's immediate time and monetary constraints. However, if approved by the House, I would support extension of the life of the Commission until 1991.

Madame Chairman, I believe that the changes proposed in this legislation are important, especially given the shortness of time with which the Bicentennial Commission has to work. I hope that Congress will enact this legislation quickly to assist the Commission in its effort to make the Bicentennial a momentous occasion in our Nation's history.

Ms. OAKAR. Our next panel is Dr. Mark Cannon, the staff director of the Commission, and Dr. Sheilah Mann, who is the director

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of Project '87. We are delighted to have both of you. We would be pleased to have your remarks.

What we are going to try to do, if it is possible, is have your testimony and still make the vote that we anticipate on the journal. We don't want you to wait for us to come back. So if you could summarize your remarks, we will put the entire statement in the record. If we have some time we will ask questions of you.

So why don't you begin, Dr. Cannon? You had a very nice introduction by our colleague here, so we are very aware of your fine credentials.

STATEMENT OF MARK W. CANNON, STAFF DIRECTOR, COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

Mr. CANNON. Thank you very much, Congresswoman Oakar, Madam Chair, and Mr. Chairman.

Let me just briefly comment on the suggestion of Congressman Myers, which I suspect reflects all of your views. All of us who are working on this, and many of the group are volunteers—the majority of them are totally unpaid thus far because of our impecunious situation—are deeply committed to trying to achieve a measurable change, a significant change, in both the youth and the adults of this Nation in terms of understanding the Constitution and what it means. The fact is that it was the greatest leap forward in human history in terms of personal human freedom, and in having a system of government that could function effectively while allowing guarantees of basic rights to individuals.

We are interested in the festivities, but especially in celebrational activities. All of us are profoundly interested in making this a time for change. We are so convinced that if we can get the resources and the support, we can do this, we are even talking with people about the possibility of taking polls of high school students as to their knowledge by next spring. Then we would be doing them either every year or at the end of the entire period, so that we can see if in fact a vast amount of effort in terms of getting musical presentations, dramatic presentations that students participate in, quiz contests, essay contests, whole new sets of materials for education that are now in process of being prepared—will show that there can be a measurable impact in terms of turning the youth around.

Now we all know the incredible statistics that have been demonstrated by the recent NEH study, which is only one of many. Half of the high school students don't even know who Winston Churchill or Joseph Stalin were; two-thirds of them don't know what half century the Civil War occurred in; one-third, despite the Bicentennial of the Declaration, don't know what half century the Declaration of Independence occurred in.

So we recognize this deplorable situation and we are deeply committed, and we appreciate the expressions of support that all of you have indicated to help us to achieve a major goal in this regard.

Now, to give you a brief report on our activities and answer the question: Why is it important to commemorate the Constitution at this time? While we have covered this in part, it is very important

to recognize this as an expression of something critical to human well-being.

Chief Justice Burger has said, "The Constitution is what we did with our Independence." We should recognize, also, that we are in the process of celebrating three different anniversaries: the Declaration, the Statue of Liberty, and the Constitution.

I think probably everyone in this room would say, if asked which is the most important of these—that it is the Constitution. And yet, in fact, the Declaration of Independence got a total appropriation of $52 million to the commission and administration in addition to $50 million that was appropriated for other agencies to celebrate the Declaration, in addition to $22 million that they obtained from the sale of medals and royalties. The royalties were modest—they were about $1 million. All of these in today's dollars equal $250 million, and they don't even reflect private money that was put in, nor State and local money. In many cases, the State and local money was very large.

By contrast, we are struggling just to have enough money to get started, and we have very little time. For example, we have less than 2 months if we are to commemorate Virginia's call in January 1786 for the Annapolis Convention to deal with commercial problems. We have only about 9 months until the 200th anniversary of the Annapolis Convention—September 1786—and only about 17 months until the 200th anniversary of the opening of the Constitutional Convention itself.

Our problem is compounded further by the fact that the concepts of the Constitution and programs to commemorate the Constitution are much more complicated than are the concepts of independence. So it puts more of a burden on the Commission, in terms of being able to help the thousands of organizations we expect to get involved in various ways. People sit down with us and say, what can we do? How can we do this? This involves difficult and complex problems.

Even working with the limited amount of resources we have, with a lot of volunteers and some people willing to make contributions—for example, we got stationery. How did we get it? We talked one Commission member into paying $3,500 to buy us stationery. You probably have available here, our first newsletter. How did we get it? A lawyer spent all of his spare time, unpaid, to draft the materials in the newsletter. Then we talked the printer into giving us 5,000 copies free and we paid for the other 5,000. We are doing a brochure in much the same way. Virtually everything that we have been doing, we have had to beg and borrow—but not quite steal.

And yet despite this, we have already in this short period of months been able to recruit and obtain a small staff; to obtain a desired telephone number, USA 1787; to obtain a town house and then get it painted, equipped, and furnished; to write, publish, and disseminate the first report; to develop a mailing list; to prepare, publish, and distribute newsletters; to set up files; to develop mailings to several leadership groups, including the Nation's governors; to respond to hundreds of telephone calls and letters; to prepare an informative brochure; to deal with many hundreds of individuals and organizational representatives who phone, write, or visit our

headquarters asking for ideas and information; to organize the Commission into committees; to hold four Commission meetings; to begin laying plans for programs in the media, Government agencies, schools, and private organizations ; to select a logo from over 40 designs; to select a seal; to establish a policy and application process for official recognition and cosponsorship of projects; to create a Bicentennial calendar and to set up a speaker's bureau and a library. All of this has been accomplished, and a great deal of it with volunteer help.

In terms of the theme, I would like to say it in one sentence: What we hope to do is to stimulate, promote, develop, guide and coordinate a myriad of activities that will help youth and adults attain a greater awareness, knowledge, understanding, and appreciation of the Constitution.

We hope that this will be a grass roots involvement. We have found at the grass roots level considerable interest. Leaders of many organizations are interested in getting involved. But the amount of two-way communication necessary to develop programs is incredible.

On the legislation itself, it should be kept in mind that thus far, even with the shortage of time before the initial events, 16 States have created commissions. This means we have a major communications job to do, we have already been doing it. We have written them; we have letters going out to State legislators as well as to the governors. We have letters going out to mayors. We are phoning. But it takes a vast amount of energy to prime the pump and get those commissions started. Of course, as they do develop this will again multiply the demands on our time.

On the subject of personnel, we would appreciate the elimination of the appropriations limit and just having whatever the appropriations may be estalish the limit on the number of people we are able to hire. We would appreciate the increase from 20 to 40 and the authority to have experienced Government personnel detailed, clarifying fully the Commission's ability to hire and pay personnel, including from private funds, without any existing classification or general pay schedules. We think this authority already is in the legislation but it will not hurt to make it crystal clear.

I think the other changes are minor, and unless there are questions, I won't deal with them now. On the royalties, we do not expect to be able to obtain much money from them if we use the Bicentennial logo for royalties. We do think, however, that it is desirable legislative authority to have. In some cases it will be used, in all probability, primarily for the purposes directly of the Commission. In other words, if there is, as we have already seen, some good dramatic presentation or some good musical—we have a whole record on tape now, just saying the whole Constitution verbally. It is amazing that it is interesting when it is done the way they have done it, with appropriate musical background and that kind of thing. Some things like that it might be useful to put a logo on if the Commission decided to do so, and obtain a modest amount of income out of it. We don't expect much income to come from that, however.

Ms. OAKAR. We have a vote, Doctor, so if you would like to conclude.

Mr. CANNON. That's fine. Let me conclude with that, except to express appreciation to all of you.

Ms. OAKAR. We will place your statement in the record.

[The statement of Mr. Cannon follows. Also included are his responses to written questions.]

STATEMENT ON H.R. 3559, BEFORE THE
SUBCOMMITTEE ON CENSUS AND
POPULATION and the SUBCOMMITTEE
ON COMPENSATION AND EMPLOYEE BENEFITS
OF THE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
U.S. HOUSE OF REPRESENTATIVES
December 5, 1985

MR. CHAIRMAN, MADAM CHAIR, and Members of the Subcommittees:

My name is Mark W. Cannon, and I am Staff Director of the Commission on the Bicentennial of the United States Constitution. I am pleased and honored to appear before you today to support H.R. 3559, a bill introduced on October 11, 1985 to amend Public Law 98-101, the Act which created the Commission.

I. REPORT ON THE COMMISSION

I would like to report on current activities of the Commission you helped to create and to seek your continued support and assistance toward the provision of urgently needed personnel and financial resources during this critical, formative stage of its operations. The Commission has held four meetings, one of which was a public hearing, since its membership was sworn in July 30th. Each of our distinguished Commission members, and each dedicated member of our limited staff, is actively committed to the success of our Congressionally prescribed mission, "...to

promote and coordinate activities to commemorate the bicentennial of the Constitution."

Why is it important to commemorate the United States Constitution? Let me highlight five reasons.

First is its importance to human well-being. Congressional creation of this Bicentennial Commission reflects the view that creation of the U.S. Constitution represents the greatest leap forward in human history in setting the framework for a representative government that could act with energy yet be restrained from violating basic human freedoms. Our unique origins and our Constitution have helped make America a continuing attraction to the world. Some 50 million persons have left their homelands to seek sanctuary, freedom, and economic opportunity in the United States.

Our Constitution is probably the most remarkable, resilient operative treatise on individual rights and freedom ever written. Chief Justice Warren E. Burger, our Chairman, said recently, "The Constitution is what we did with our Independence." Indeed, without the Constitution, it is possible there might never have been a Statue of Liberty, and the Revolutionary War would probably have been for naught.

Commemorating the establishment of America's freedom, in just a short span of years, we will have celebrated three

significant anniversaries -- the Bicentennial of our Declaration of Independence, the Centennial of the Statue of Liberty, and the Bicentennial of our Constitution and the beginnings of our Federal Government. Two of these anniversary events have received the unqualified support of the Congress, the Administration, and the public at large. The third anniversary, which may be the most significant, deserves no less.

Second, the Constitution is, legally, the great protector and equalizer among individuals of various backgrounds and economic statuses. Unlike many other systems, the poorest citizen of America is entitled to a vote that is equal to the vote of the richest citizen in determining the country's leadership and policies. To teach about the Constitution as the set of rules by which government is organized and policy determined is to interest and empower people who might otherwise be alienated.

Third, knowledge of the Constitutional system will help it function better. We know that there is an appalling lack of understanding, for example, of this great institution, the Congress. A remarkable number of people who live in your Congressional districts do not know who you are or what you do. Sometimes they have grave misunderstandings about your role, as well as that of Government officials and jurists. If people study and become highly knowledgeable about the Constitution and

the system which it has set up, they will be more likely to participate in government. They will become more realistic, understanding, sympathetic, and constructive in relation to the institutions of government. They will understand far better your role and that of other elected leaders in representing people, developing policies, and protecting freedom. Thomas Jefferson once said, "If a nation expects to be ignorant and free, it expects what never was and never will be."

A fourth reason is suggested by the statement to be found near the entry to the National Archives, which reads: "WHAT IS PAST IS PROLOGUE," and by Santayana's famous maxim that "Those who cannot remember the past are condemned to repeat it." A recent National Endowment for the Humanities study showed an abysmal lack of knowledge of history by our high school students and suggests a failure on their part to understand our heritage. We cannot afford to risk this degree of ignorance of the historical causes of current and emerging problems. Commemoration of the Constitution will be at least one strong effort to remedy this gap in the education of our Nation's youth.

Fifth, the Bicentennial of the Constitution offers us a unique opportunity to convey to the world the nature of this system which has for so long been a beacon of light. The more widely our Constitutional system is understood internationally, the more likely it becomes that fires of the mind will be ignited in other people to help them strive to achieve a system of

constitutional liberty in their own lands -- something for which every human spirit yearns.

II. Organization and Staffing

Why is it so important to speed up the preparation for the Bicentennial by amending Public Law 98-101?

Currently, we face a nearly impossible job. We have less than two months to commemorate Virginia's call in January 1786 for the Annapolis Convention to deal with commercial problems. We have only about nine months until the 200th anniversary of that Annapolis Convention in September 1786 and only about 17 months until the 200th anniversary of the opening of the Constitutional Convention in Philadelphia, in May 1787.

By contrast, the American Revolution Bicentennial Commission was created in 1966, a decade before the celebration. When they were two years away from the Bicentennial of the Declaration, their budget was $19,705,000. In today's dollars, that would be $43 million. In addition, other Federal agencies had a similar amount earmarked in their own budgets to celebrate independence.

Yet, the concepts of the Constitution, and the task of developing appropriate programs and ways to commemorate it, are more complex than the concepts of celebrating the Declaration of Independence. Together with the shortage of time, this makes our task extraordinarily difficult, yet even more of a challenge.

We appreciate this hearing because we believe that early passage of H.R. 3559 is urgently needed to assist the Commission in its organization and staffing during this critical stage of its operations. Funding was nonexistent until mid-August when, for the first time, $331,000 in appropriations became available.

Most of that amount is now spent or committed for equipment, supplies, expenses, and staffing of the Commission. Public Law 98-101 authorized six people on our payroll from appropriated funds. With the appropriated amount of $331,000, however, it did not allow for our hiring of all of these people as well as acquiring equipment, telephone service, supplies, and other items to run an office. As a result, we have to rely on volunteers to maintain our office.

We now have on our staff four full-time employees: a Deputy Staff Director, an Administrative Assistant, a General Counsel, and myself. In addition, seven employees have been detailed by other agencies and we have had the service of some 12 volunteers.

Even working around the clock, it has taken considerable time to lay the groundwork for the Commisssion: to recruit and obtain these people; to obtain our desired phone number USA-1787; to obtain a townhouse at 734 Jackson Place and to get it painted, equipped, and furnished; to obtain a commitment for additional space at 600 E St., N.W.; to write, publish, and disseminate the Commission's first report; to develop a mailing list; to prepare,

publish, and distribute newsletters; to set up files; to develop mailings to several leadership groups, including our Nation's Governors; to respond to hundreds of telephone calls and letters; to prepare an informative brochure; to deal with many hundreds of individuals and organizational representatives who phone, write, or visit our headquarters, or invite our staff to their organizational meetings; to organize the Commission into committees and hold four Commission meetings; to begin laying plans for programs for media, government agencies, schools, and private organizations; to select a logo from more than 40 designs; to select an official seal; to establish a policy and application process for official recognition and co-sponsorship of projects and for certification of Bicentennial Communities; to create a Bicentennial calendar; and to set up a speakers' bureau and a library.

III. COMMEMORATIVE THEMES

The Commission aspires to stimulate, promote, help develop, guide, and coordinate a myriad of activities that will help youth and adults attain a greater awareness, knowledge, and understanding of the Constitution. Since learning comes best to people who think through and develop their own projects, the Commission hopes to encourage thousands of communities and local groups to undertake their own activities. Our preliminary experience indicates that there is widespread grassroots interest, but the amount of two-way communication necessary to develop programs is incredible.

The Commission plans to phase its commemorative activities and programs around three general themes tied to the central Bicentennial years 1986-1989. These will be as follows:

1987: "Framing the Constitution." The years 1986 and 1987 will be dedicated to commemorating the events leading up to the Constitutional Convention in Philadelphia in the summer of 1987, and to the work of the Founding Fathers in the writing of the Constitution. The highlight will be the 200th anniversary of the signing of the Constitution on September 17, 1987.

1988: "Ratifying the Constitution: The People Consent." The theme in 1988 will focus on the great national debate and the very close votes which took place during the State ratifying conventions in 1788 including the publication in New York City (and elsewhere) of The Federalist Papers. The climax, of course, was the ratification by New Hampshire, Virginia, and New York (by three votes) in June and July of 1788, and the selection of New York City by the Continental Congress on September 13, 1788 as the site of the new government.

1989: "Establishing a Government Under the Constitution." In 1989, the commemoration will mark the 200th anniversary of the First Congress, the inauguration of George Washington and the establishment of the first Executive Departments and the creation of the Federal judicial system. Also in 1989 will be the Bicentennial of the passage by Congress of the Constitutional

Amendments which became our Bill of Rights. The commemoration will focus primarily on the development over 200 years of all three branches of Government and of Constitutional history.

IV. SUPPORT FOR H.R. 3559

Commemorations by State and Local Governments

We support the language in Section 1 (b) of the bill favoring a broad-scale celebration of the Bicentennial. A number of Federal agencies and departments have already begun to implement their own plans for suitable commemorative projects, activities, and events, and we support their efforts. Our task has been to collect the information on these plans so that we may provide a coordinating function. These include, I am pleased to say, a number of projects being planned by the House Bicentenary Commission.

We are counting on State and local Bicentennial commissions to carry out a great part of the commemoration. Our policy will be to recognize all those State Bicentennial commissions where the governors or State legislatures request such recognition. We hope that there will be State commissions in all 50 States, Washington, D.C., Puerto Rico, Guam, and the Territories. With such recognition will go the right to use the Bicentennial logo, and we have no objection to States and Bicentennial communities designing and using their own logos. Although only 16 States have thus far organized a Bicentennial commission, as more organize they will require more work on our part.

Amendments Relating to Personnel

The Commission urgently needs the amendments proposed under Section 2 of the bill to permit an increase in personnel and to raise the limits on private sector donations. In addition, we welcome the substitution of a new subsection 5 (d) to Public Law 98-101, in place of possibly confusing and ambiguous language under existing subsection 5 (b). This will greatly help in clarifying understanding of the Commission's authority to hire and pay personnel without being limited by existing classification and General Schedule pay rates and regardless of the source of the funds or personnel. This should reduce the amount of time and delay required to employ staff.

It seems clear, already, that a fruitful source of experienced personnel is Government itself. This bill would increase from 20 to 40 the number of employees we could obtain on detail from other Federal agencies and departments. We will need them all as our activity increases. It also makes it possible, should the need arise, for an agency to transfer funds equal to the cost of an employee in lieu of detailing a specific employee.

To date, we have had excellent cooperation from other Government agencies. For example, we now have hard at work on our Bicentennial affairs a former Air Force Academy professor of American government, a staff member from the Department of Education, and an executive from the General Services Administration and the National Archives. By early 1986, I

expect our limited allotment of 20 "detailed" employees will be exhausted.

At the same time, early in 1986, we also anticipate a wave of applications for official recognition of State and local Bicentennial projects, regional and nationwide programs involving educational activities, and extensive proposals for media projects. The Commission's policies governing official recognition of such projects were adopted just this past week. (Attachment A.) These policies will be published in the Federal Register and made available generally to the public as soon as possible. As the Commission's policies and procedures become more widely known, we expect to receive an increasingly heavy influx of phone calls, letters, proposals, petitions, and formal applications for official recognition and assistance. All must be processed, analyzed, and answered.

Nothing would be worse for the public and the Commission, and for the Bicentennial commemoration, than for us not to be prepared for and capable of handling these communications and applications. A potential source of personnel assistance during this early phase of Commission operations would be a substantial increase in details of experienced Government employees to the Bicentennial Commission. We do not know how long it may take to raise significant private sector funds or obtain more ample appropriations. The need is immediate. Throughout the country, plans for 1987 commemorative programs have already been initiated

and will soon start gearing up; the proposed amendment in this bill, increasing our Government-detailed personnel, will help us to respond to public demands.

Higher Private Donation Limits

The Commission's private fundraising efforts have barely started. To date, donations to support Commission activities have consisted largely of assistance in paying for Commission undertakings such as the newsletter or brochure and providing equipment for the Commission's office and staff. These donations, while greatly appreciated and helpful, are indeed modest in relation to requirements.

We support higher limits on individual and corporate donors because with the shortness of time, we believe it would be unwise to reject contributions exceeding the current limits that might become available. According to members of the Commission who are experienced fundraisers, some individuals may be willing and able to donate more than the current limit of $25,000. In the same way, some large corporations may be willing and able to donate more than $100,000 in a year.

In addition, all fundraisers know well that a donation will seldom be larger than requested, and is almost always smaller. By raising the limits, we will certainly raise the possibilities of larger donations. In other words, we need to be able to ask

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for more than $25,000 and $100,000 to achieve those individual amounts.

The Commission, of course, welcomes all donations of any size. But a concerted effort will be made during the first half of 1986 to raise substantial private sums for the Bicentennial, and the present statutory limits on donations are a handicap to the planning and execution of this fundraising effort. We support the amendments to raise these limits.

Transfer of Funds

Section 2 of the bill also contains an amendment authorizing the Commission, in its discretion, to transfer funds to any agency which the Commission determines has a use for the funds to promote the commemoration of the Constitution. This provides needed flexibility and will be useful during the life of the Commission. The authorized transfer of funds is not confined to appropriated funds, and thus it could be used to transfer donated, private sector funds from the Commission to an agency. We support the amendment.

Cooperation by Agencies

The Commission has received excellent cooperation from a number of the agencies mentioned under Section 6 (c) of Public Law 98-101. We look forward to working closely with them. We appreciate and support the amendment in Section 4 of the bill directing such agencies to provide us with advice and assistance when requested.

Use of Logo

We support the provisions of Section 3 of the bill. This reconfirms what we understand the statute already permits, i.e., authorizing use of the Bicentennial logo for non-commercial, educational purposes without charge when such use will contribute to the commemoration of the Bicentennial of the Constitution. Our purpose is to promote a widespread use of the logo in conjunction with official recognition of Bicentennial projects and programs. This is set forth in detail in the Commission's Policy Statement submitted with this Statement. (Attachment A.)

I am pleased to report that the Commission decided upon a basic design for the Bicentennial logo at its meeting on November 25, 1985. Initial regulations will be drafted to govern use of the logo and to carry out the Policy Statement which links an authorized logo use to official recognition of projects. These regulations will follow the pattern set by the American Revolution Bicentennial Administration (ARBA) in regulating the authorized use of the logo. (Attachment B.)

Licensing of the Logo

Amendments under Sections 2 and 5 of H.R. 3559 would provide the Commission with authority to license the use of the Bicentennial logo for commercial purposes. Following the example of AMBA, we support these amendments and urge their passage.

Under Section 5 (a), the principal terms and conditions of a commercial license are clearly established. In addition, Section 5 (b) provides that the Commission may incorporate additional terms and requirements. This authority will be used to protect the interests of the public and the Commission from exploitation or any other uses that would demean the dignity of the commemoration.

Licensing of the Bicentennial logo is not setting a new precedent, as the experience with AMBA shows. The U.S. Olympic Committee also used its logo extensively in connection with commercial sponsorship of official products and promotional campaigns. Currently, of course, the Statue of Liberty/Ellis Island Foundation is engaged in an extensive licensing program of the Statue of Liberty logo. That foundation also uses the logo in another way which we see as being available already to the Bicentennial Commission under the existing statute. That is, contributors above a certain level are permitted to use the logo for noncommercial advertising. Such donors would not be permitted to use the logo in connection with production,

manufacture, or advertising of commercial goods or services, or as part of an endorsement of such goods or services.

The final report to Congress by ARBA showed that a total of 99 licensees were granted use of the ARBA logo, which in turn was used on thousands of products. Royalties from these licenses earned approximately $1,048,000. Our preliminary expectations are that royalties from licensing of the Bicentennial logo would be modest and might not reach $500,000.

The key decision in the licensing process is the exercise of discretionary judgment and authority in choosing which applicants to license and which to reject. Our view is that this judgmental decision must be made on a case-by-case basis and only by the Commission itself after a review of all of the terms and conditions and prospective uses of the logo. The considerations taken into account will also include those stated in the bill under Section 6 which authorizes the Commission to revoke a license, i.e., whether the use involved is injurious or offensive to the image of the Commission or the Bicentennial commemoration, or does not meet the standards of the Commission.

If the Commission is granted the authority to license the logo, it can be expected to use that authority with care and circumspection. Depending in part on how other funding sources develop, the Commission might choose to use this narrowly, for example, on such items as records and tapes of music pertaining

to the Constitution. The use of the logo might help promote such items as well as supply a modest revenue to the Commission.

Penalties

We support the criminal and civil penalties set forth under Section 7 of the bill for an unauthorized use of the Bicentennial logo. These provisions are similar and in some cases identical to the language of the United States Code relating to penalties for unauthorized use of such Government-authorized symbols and logos as the sign of the Red Cross, the emblem of the 4-H Clubs, the "Smokey Bear", or "Woodsy Owl" characters, "The Golden Eagle Insignia," etc. (See 18 U.S.C. 701, 705 et seq.)

Authorization of Appropriations

The Commission has not explicitly voted on extension of the tenure of the Commission, but there is logic to commemorating the Bill of Rights in addition to the Constitution as originally written. We support the proposal under Section 8 to extend the termination date of the Commission from 1989 to 1991. This would make it possible for the Commission to plan and coordinate activities to commemorate important historical events affecting the Constitution which took place after 1789. These include the following events:

January 25, 1790: New Hampshire ratified the Bill of Rights.
January 28, 1790: Delaware ratified the Bill of Rights.
February 24, 1790: New York ratified the Bill of Rights.

March 10, 1790:	Pennsylvania ratified the Bill of Rights.
May 29, 1790:	Rhode Island ratified the Constitution, by a vote of 34 to 32.
June 7, 1790:	Rhode Island ratified the Bill of Rights.
March 4, 1791:	Vermont was admitted to the Union as the fourteenth State.
November 3, 1791:	Vermont ratified the Bill of Rights.
December 15, 1791:	Virginia ratified the Bill of Rights, making it part of the United States Constitution.

As you are already aware, we are currently working with Congresswoman Lindy Boggs, Chairman of the House Bicentenary Commission, and with Dr. Raymond W. Smock, the House Historian. Both take part in our Commission meetings and are extremely helpful in their recommendations. It would be our expectation, if the life of the Commission is extended through 1991, that the Commission would assist and supplement the work of Congressional committees in commemorating and celebrating the achievements of the First Congress elected under the Constitution. That first Congress convened in New York City in three Sessions: (1) from March 4 to September 29, 1789; (2) from January 4 to August 12, 1790; and, (3) from December 6, 1790 to March 3, 1791.

I wish to thank you for your time and attention. Mr. Chairman, Madam Chair, I would be pleased to respond to your questions.

POLICY STATEMENT ON PROJECT RECOGNITION AND SUPPORT

The Commission on the Bicentennial of the United States Constitution (CBC) was established by Public Law 98-101 to promote and coordinate activities to commemorate the Bicentennial of the Constitution. All public and private groups are encouraged to conduct activities that will foster awareness, knowledge, and appreciation of the Constitution of the United States during the Bicentennial years of 1986-89. Insofar as its resources permit, the CBC will offer information, advisory assistance, and coordination to individuals and groups interested or involved in Bicentennial activities

General Provisions

CBC involvement with a project in any of the ways herein described does not obligate the CBC to contribute financial support to that project. Any decision to provide financial support to a Bicentennial Project will be considered by the CBC separately and on its own merits in relation to the resources of the CBC.

Unless otherwise indicated by the CBC in advance and in writing, CBC involvement with a project will not in any way limit the CBC from involving itself in other projects of the same or a similar nature.

CBC regulations will be adopted and published governing all specific aspects of the general policies set forth in this Statement.

Use of Logo

By law, authorization for use of the National Bicentennial Logo may be granted at the sole discretion of the CBC. Accordingly, any reproduction of the Logo will be permitted only after written authorization of the CBC. Authorized users may not delegate use of the Logo to others unless specifically authorized in writing by the CBC to do so.

Under existing law, no commercial use of the National Bicentennial Logo is authorized. The CBC will review all requests for use of the Logo by commercial organizations. The CBC will also review requests of a State Commission or a Designated Bicentennial Community for use of the Logo by a commercial sponsor of a project officially recognized by such Commission or Community. In exercising its discretion, the CBC will determine each case on its merits.

Any unauthorized use of the Logo is a violation of Federal law.

Involvement With Bicentennial Projects

Unless delegated by vote of the full Commission to a CBC Committee or the CBC Staff Director, authority to decide CBC involvement with projects remains with the full Commission. CBC involvement with Bicentennial Projects will be determined by written decisions as outlined herein.

The CBC reserves the right at all times and with respect to any project to withdraw its involvement with or recognition of a project, or both, including any authorization for use of the logo.

Initially, there will be five forms of CBC involvement with Bicentennial projects, as follows:

1. **Commission Projects:** CBC Projects are defined as projects of national and/or international significance, for the development and implementation of which the CBC takes full responsibility. Such Projects will be few in number and approved in advance by the CBC.

2. **Cosponsored Projects:** The CBC may choose to cosponsor a limited number of projects with private and public organizations, domestic and foreign, including all branches and agencies of the Federal Government. In doing so, the CBC reserves the option to participate in a project's development and implementation, although primary responsibility for the project will ordinarily rest with the other sponsor(s).

Cosponsors will be authorized to use the National Bicentennial Logo solely in connection with the project for which the CBC is a cosponsor. Such use will include the legend "Cosponsored by the Commission on the Bicentennial of the United States Constitution." A cosponsored project will also be considered an Officially Recognized Project.

For a project to qualify for Commission cosponsorship, the CBC must determine that (1) the project will make an exceptional contribution to advancing the national commemoration; (2) the project will increase public understanding and appreciation of the Constitution; (3) the cost, if any, to the CBC is reasonable in relation to what the project will accomplish; and (4) the project will be adequately financed and directed.

3. **Officially Recognized Projects:** The CBC will grant Official Recognition to projects of exceptional merit with regional, national, or international significance. To be considered for CBC Official Recognition, such projects (1) must have substantial educational and historical value in relation to the U. S. Constitution and (2) must be adequately financed and directed. Responsibility to develop and implement an Officially Recognized Project lies with the project's sponsor(s). Projects granted Official Recognition as part of the National Bicentennial program will receive a Certificate of Official Recognition and such other symbolic recognition as may be approved by the CBC.

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Sponsors of Officially Recognized Projects are authorized to use the National Bicentennial Logo solely in connection with the Recognized Project. Such use will include the legend "Officially Recognized by the Commission on the Bicentennial of the United States Constitution."

4. State Bicentennial Commissions: The CBC will recognize any Bicentennial organization as a State Bicentennial Commission upon the request of the Governor or the Legislature of a State, or the request of the chief executive in the case of the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of American Samoa, Guam, and the Virgin Islands.

Recognized State Bicentennial Commissions are authorized to use and to grant use of the National Bicentennial Logo. Permission to use the Logo may be granted only to non-profit organizations which are sponsors of projects officially recognized by a State Commission as a part of a State Bicentennial program, provided such sponsors have been advised in writing by the State Commission of such recognition. In order to grant use of the Logo, the State Commission must determine that the project (1) will increase public understanding and appreciation of the U. S. Constitution, and (2) will be adequately financed and directed.

Non-profit organizations which are sponsors of State-recognized projects are authorized to use the National Bicentennial Logo solely in connection with the recognized project. Such use will include the legend "Recognized by the [Name of State Bicentennial Commission]." A State Commission which grants use of the National Bicentennial Logo is responsible for monitoring such use to assure that it is consistent with CBC criteria and with the letter and spirit of Public Law 98-101 and any amendments thereto.

5. Designated Bicentennial Communities: The CBC encourages local governing bodies to establish Bicentennial Communities. The term "community" includes all political subdivisions having an elected government, such as a city, county, town, village, township, borough, any Native American tribe, reservation, and/or combination thereof. Unincorporated areas that have an established identity of their own may also apply for designation.

A "Designated Bicentennial Community" is one which has (1) established a Bicentennial Committee broadly representative of the Community; (2) developed a commemorative program that will educate its residents about the meaning and significance of the Constitution; and (3) received official Designation from the CBC.

To be considered as a Designated Bicentennial Community, a community should submit a completed application form to its State Bicentennial Commission. Upon approval, that State Commission will forward the application with the State Commission's recommendation to the CBC for its review and decision. (See Selection

Process below.) The CBC will prepare and publish such application forms and will issue Certificates of Designation to all communities whose applications are approved by the CBC.

Designated Bicentennial Communities are authorized to grant use of the National Bicentennial Logo to non-profit organizations which are sponsors of projects officially recognized by the Designated Community Bicentennial Committee as part of the Community Bicentennial program, provided such sponsors have been advised in writing by the Committee of such recognition.

Organization sponsors of Community-recognized projects are authorized to use the National Bicentennial Logo only in connection with the recognized project. Such use will include the legend "Recognized by _____, a Bicentennial Community." A designated Bicentennial Community that grants use of the National Bicentennial Logo is responsible for monitoring such use to assure that it is consistent with CBC guidelines for authorized usage and with the letter and spirit of Public Law 98-101 and any amendments thereto.

Selection Process

Application. To apply for CBC Cosponsorship or Official Recognition of a project, sponsors of programs must complete a CBC Application and submit it together with all required materials, in duplicate, to:

Commission on the Bicentennial
of the U. S. Constitution
734 Jackson Place, N.W.
Washington, D.C. 20503

Applications should include a comprehensive description of the project and a narrative statement indicating how the project meets the criteria established by the CBC, as provided on the application form. The application form shall include a statement that the applicant agrees to be bound by all policies, requirements, regulations and other decisions made by the CBC affecting the applicant's project and responsibilities. The Program Review and Evaluation staff of the CBC will evaluate requests for Cosponsorship or Official Recognition and prepare recommendations for action by the CBC. Approval of the appropriate State Bicentennial Commission is required if the project is to be conducted within a single State.

Interim Letter. The CBC will issue a **"Letter of Encouragement"** when a project demonstrates outstanding merit but has not reached that stage of development or obtained that level of support which would provide reasonable assurance of implementation. This Letter does not authorize use of the National Bicentennial Logo.

Approval. CBC approval of an application will be in writing and will result in the issuance of a letter of agreement to cosponsorship or a Certificate of Official Recognition, or both.

Coordination and Information

As a means of coordination, and to enable the CBC to provide information and advisory assistance to all interested individuals and groups, the CBC will maintain a National Register of Bicentennial Projects.

This Register will include all those projects, activities, and programs in which the CBC has involved itself as outlined above. Such projects, activities and programs will be included on all commemorative calendars and schedules of Bicentennial events published by the CBC.

Within the limits of CBC resources, and to the extent feasible, this National Register will be expanded in due course to include all officially recognized Bicentennial Projects approved and reported to the CBC by State Bicentennial Commissions and Designated Bicentennial Communities.

SUMMARY OF ARBA GUIDELINES ON USE OF LOGO (SYMBOL)

Authorization for use of the symbol (logo) was granted at the sole discretion of the American Revolution Bicentennial Administration (ARBA). Any reproduction was permitted only after written authorization had been granted by ARBA. Authorized users could not delegate use of the symbol to others unless specifically authorized in writing by ARBA to do so.

Use of the symbol on souvenirs, memorabilia and in any non-programatic commercial context was prohibited unless expressly authorized in the guidelines or in a specific written ARBA authorization. The symbol was required to appear always with the small trademark seal (TM) as notice to the public that reproduction and use required ARBA authorization.

Any unauthorized use was a violation of the Federal statute, subject to a fine up to $250 and six months imprisonment, or both. ARBA reserved the right to withdraw any authorization for use of the symbol when, in the judgement of the Administrator, such use was inconsistent with the tenor and spirit of the ARBA enacting statute.

Graphic standards were established and set forth in detail in a Graphics Manual. All use of the symbol was required to be in strict conformity with these standards and to incorporate the highest standards of design, dignity and good taste. The symbol could never be altered in any way, nor could other visual material be superimposed on the symbol.

ARBA authorized use of the symbol to identify projects accorded official recognition. Sponsors of such projects were authorized use of the symbol solely in connection with the project.

State Bicentennial Commissions were authorized to grant use of the symbol to nonprofit organizations which were sponsors of projects officially recognized by State Commissions. Designated Bicentennial Communities were authorized to grant use of the symbol in the same way. Sponsors of such projects had to be officially recognized in writing before they could use the logo. State Commissions and Bicentennial Communities were responsible for monitoring use of the symbol.

ARBA also licensed manufacturers, approved by ARBA, to produce and sell certain items bearing the symbol and bearing the name of a State or Community Bicentennial Commission. This enabled these Commissions to purchase such items for display so as to create interest in the Bicentennial. The licensed items could be sold only to the recognized States or Communities. License agreements were concluded only with those manufacturers whose proposals were most advantageous to the Government, royalty and other factors considered. License agreements were for production and sale of the licensed products only and were kept within policy guidelines approved by the ARBA Board.

Typical of the items licensed by ARBA and available for purchase by States and Communities direct from licensed manufacturers were Bicentennial posters, bumper stickers, decals, clothing patches, State license plates, and the Bicentennial Flag. States and Communities were provided periodically with names and addresses of licensed manufacturers and other pertinent information necessary for placing quantity orders. A State or Community could sell any of the ARBA licensed items to defray costs and generate revenues to support their programs.

ARBA also licensed manufacturers to produce certain items bearing the symbol (logo) for sale through traditional marketing channels to the general public. Each such item carried the legend: "Officially Recognized Commemorative of the American Revolution Bicentennial Administration" and bore the official symbol in the product design or packaging. These officially licensed items had to be commemorative or educational in nature and had to conform with guidelines established by the ARBA Board.

As noted above, ARBA reserved the right to withdraw any authorization for use of the symbol when, in the judgement of the Administrator, such use was (or would be) inconsistent with the tenor and spirit of Public Law 93-179, ARBA's enacting statute.

Note: Notification of the adoption of the symbol by the American Revolution Bicentennial Commission (ARBC), the predecessor of ARBA, and of the regulations regarding its use were contained in the Federal Register of March 27, 1971. The legal authority for the symbol was Public Law 91-528, approved December 7, 1970, which authorized ARBC to originate "logos, symbols, or marks" for use in the commemoration. Subsequently, Pub. L. 93-179, approved December 11, 1973, vested all rights in the official symbol in ARBA.

Prepared By Joseph B. McGrath
November 26, 1985

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

December 30, 1985

Honorable Robert Garcia
Chairman, Subcommittee on Census
and Population
Committee on Post Office and Civil Service
U.S. House of Representatives
219 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed with this letter is our Response to Questions on H.R.3559, as requested in your letter of December 10, 1985.

We appreciate your assistance and the courtesy and cooperation of your staff in dealing with this and other matters relating to H.R. 3559.

Sincerely,

Mark Cannon

Mark W. Cannon
Staff Director

Enclosure

MWC/swb

January 2, 1986

RESPONSE TO QUESTIONS

QUESTION NO. 1. (Relating to amendment (5) on page 3 of H.R. 3559.)

1-In page 10 of your testimony, you stated that a government agency will be able "to transfer funds equal to the cost of an employee in lieu of detailing a specific employee" to the Commission. Has the Commission considered the legal ramifications of transferring government monies to the Commission from appropriated funds of the particular agencies? Could you expound on this question?

ANSWER:

The authority requested in this amendment is intended to provide an agency of Government with an option in connection with detailing a particular employee by name, or an employee with defined skills and experience, as requested by the Commission. Should the head of any Federal agency decide for some reason not to detail a particular employee requested by the Commission, this authority would permit the agency to transfer funds to the Commission equivalent to the employee's cost to the agency. This makes it possible for the agency head to assist the Commission without losing the employee.

Whether an agency could transfer the funds to the Commission within the boundaries of its general statutory authority is a legal question each agency would have to determine for itself. This proposed amendment would not provide such authority. It would, however, authorize the Commission to receive such a transfer of funds should an agency choose this option.

QUESTION NO. 2. (Relating to amendment (9) on page 4 of H.R. 3559.)

2-Similarly, in page 13 you state that the Commission can transfer funds to any agency which is determined to have use for funds to promote the commemoration of the Constitution. Has the Commission considered the legal implications of transferring funds resulting from private donations to government agencies?

ANSWER:

This amendment is designed to enable the Commission to transfer funds to another Federal agency should the Commission determine that this would be the most cost effective way of achieving a particular objective. The experience of the American Revolution Bicentennial Administration (ARBA), which did not have such authority, was that such an ability to transfer funds would have been helpful on certain occasions to meritorious federally sponsored projects.

ARBA also had the benefit of funds in the amount of approximately $50 million which Congress appropriated for use by other Federal agencies to support bicentennial programs. At present, virtually no other agencies have specific appropriations authorized for support of bicentennial activities commemorating the Constitution, though some Federal agencies have begun the planning of projects and activities for this purpose. Consequently, authority to transfer Commission funds could support a deserving project or projects which an operating agency may not fully be able to fund. (See also the answer to Question No. 4.)

The authority which would be granted by this amendment would cover a transfer by the Commission of either appropriated or donated funds. From the standpoint of a receiving Federal agency, there would be no difference since the funds would be coming from one Federal agency to another and the Commission's funds, to an external recipient, are a fungible commodity.

The Commission, however, would only be permitted to transfer donated funds that are not limited to other specific purposes. Donated funds are regarded as funds received in trust to be expended for the purposes for which the donor contributed the funds. Thus, a transfer of funds from a donation could be accomplished only if the Federal agency project falls within the intended use of the donated funds.

The legislative history of Public Law 98-101 supports the use of donated funds to assist "private foundations, citizens groups, governmental entities, and other organizations for historical research, citizen education, citizenship programs, conferences, publications, and other commemorative activities." (Senate Report No. 98-68, April 28, 1983, page 39.) This amendment would clarify that Federal agencies may be accorded similar consideration by the Commission.

QUESTION NO. 3. (Relating to amendments (2), (3) and (4), on pages 2 and 3 of H.R. 3559.)

3-In your testimony you support provisions of this bill which increase the limits on staff paid from appropriated funds and detailed employees. What about staff paid from donated funds?

Shouldn't this bill also raise the limit on personnel you might be able to hire if the fund-raising goes really well? At present these would be limited to forty staff members.

ANSWER:

We support elimination of the "forty staff members" limit in section 5 (c) of Public Law 98-101. The intention of Congress is that private sector donated funds are to be solicited and relied upon as fully as possible in paying for the activities of the Commission. Since this is the case, it would make sense to eliminate the limit on staff paid from donated funds so that the effective limit would be, in effect, the amount of funds donated to the Commission for operations. To accomplish this, the following amendment would suffice: After amendment (2) on page 2 of the bill, insert the following new subsection and renumber the subsequent subsections:

"(3) in subsection 5 (c) strike the words 'not to exceed forty staff members' and insert a period after the word 'appropriate.'"

QUESTION NO. 4. (Relating to amendment (9) on page 4 of H.R. 3559.)

4-When and why would the transference of funds from the Commission to a Federal agency be preferable to the actual use of those funds by the Commission itself?

ANSWER:

Some Federal Agencies have already made plans or are now carrying out programs designed to commemorate the bicentennial of the Constitution and the beginnings of our Federal Government. Others will join in the commemoration. The purpose of the Commission is to promote and coordinate such programs but to undertake itself only a few projects, in accordance with the admonition of Congress (Senate Report, supra, pages 39 and 41). Since funding for the Commission will be tight, it is expected that the Commission would consider transferring funds to other Federal agencies only in instances where highly meritorious projects in relation to the objectives of Public Law 98-101 require funding to be initiated quickly, sustained, or expanded.

QUESTION NO. 5. (Relating to sections 3 and 5 of H.R. 3559.)

5-In page 16 of your testimony, you stated that the Commission's preliminary expectations of the royalties from the licensing of

the Bicentennial logo might not reach $500,000. How did the commission reach such a modest estimate?

ANSWER:

Our preliminary expectations of modest income from royalties derives first from the experience of the celebration of the Bicentennial of the Declaration of Independence where total income from royalties was only about $1 million. Our modest estimate also derives from timing. The Commission does not yet have this authority and could not obtain it until sometime in 1986. Following this, procedures, selections, negotiations and contracts would have to be carried out, all of which would leave little time for commercial development and marketing before the 200th anniversary of the opening of the Philadelphia Convention on May 25, 1987.

Finally, the modest preliminary estimate derives from an expectation that the Commission is likely to be quite selective in allowing use of the logo, much as described in the answer to Questions No. 6 and 7.

QUESTION NO. 6. (Relating to section 5 of H.R. 3559.)

6-Is the Commission aware that an authorization for the licensing of the logo, may open the doors for the commercialization of the Bicentennial. Once the Bicentennial is on its way, you might not be able to prevent the commercial exploitation of this event; could you please comment on the possibilities of this situation?

ANSWER:

The Commission is aware of the possibilities of commercialization of the bicentennial and that, in some cases, it may be powerless initially to prevent such exploitation. With respect to licensing the logo, however, the Commission is confident that its controls will more than suffice to preclude commercialization that would be cheapening or injurious to the standards of dignity and quality the event warrants. Licensing the logo will be carefully controlled and abuses stopped whenever discovered. The provisions under sections 6 and 7 of the bill, on Revocation and Penalties, will be extremely helpful in this regard.

QUESTION NO. 7. (Relating to section 5 of H.R. 3559.)

7-Also in page 16, you state that the Commission will use its discretionary judgment and authority in the licensing process.

Could you provide us with specific examples of the kinds of ventures that would granted a license for use of the Bicentennial logo?

ANSWER:

Ventures which may be granted a license for use of the Bicentennial logo could include the manufacture of materials to be used by recognized State and local community bicentennial commissions (such as emblems, flags, seals, historical booklets, posters, bumper stickers, etc.). These might serve to highlight or publicize State or community historical commemorations, and might also carry the name and logo of the State commission.

Another type of venture which might carry the Bicentennial logo would be objects manufactured or produced especially to commemorate the Constitution on a nationwide basis. These might be records or tapes of the music of the 1700's or of oral readings and commentary on the Constitution itself or possibly works of art (a series of prints, for example) which depict crucial scenes related to the Constitution.

Another use of the logo on a licensed basis, one already permitted under Public Law 98-101, might be in corporate institutional advertising in which messages about the history of the Constitution are conveyed. No licensed use is permitted under the present statute, however, in which the Bicentennial logo is linked to the merchandising of products or services.

QUESTIONS NO. 8, 9, AND 10. (Related to amendments (6) and (7) on page 3 of H.R. 3559.)

8-I am concerned about the Commission's financial status. As of this date, how many funds has the Commission received from corporate and individual sources?

9-Does the Commission have an estimate of the amounts it can expect to receive during the next four years?

10-Could you please comment on the Commission's fund-raising strategy?

ANSWERS:

Although modest contributions have been made, the Commission's private fund-raising efforts have barely started, as mentioned in our prepared Statement to the Subcommittee (page 12). From the standpoint of a fund-raising strategy, the Commission expects that a special fund-raising committee will be appointed in early 1986 to plan a detailed campaign of solicitation. The first part of this effort is likely to be to

solicit major donations from corporate, union, individual, and organizational sources, including private foundations and philanthropic institutions. The second part of the fund-raising effort will very likely be to devise means by which Americans of all walks of life can contribute to the financial support of commemoration activities. We expect the fund raising committee to work out the details of this strategy.

Goals for fund-raising will be set as part of the fund-raising campaign. It is too early at this point to settle on any specific estimates for fund-raising over the next four years. Initially, however, we have hopes of raising several millions of dollars in donations of money and property.

The Commission's financial status during 1985 has been precarious. It has been existing on its initial appropriation of $331,000 which was fully committed before the Subcommittee's hearing on December 5, 1985. Shortly thereafter, Congress passed the Fiscal Year 1986 appropriations which provided the Commission with an additional $775,000 in operating funds, which are now available to the Commission. In addition, under Public Law 99-190, the Continuing Resolution signed by the President on December 19, 1985, Congress approved $12 million for the Commission, to remain available until expended.

From private sources, as of December 30, 1985, our records indicate $25,500 has been donated in money, and about $135,000 in property (office furniture, equipment and supplies). There has been no rush of donors, however, and many people have reported that heavy fund-raising for the Statue of Liberty commemoration has dried up many possible sources for the Bicentennial.

QUESTIONS NO. 11 AND 12. (Related to section 8 on page 7 of H.R. 3559.)

11-I understand that the Commission looks favorably upon the extension of its tenure. Could you then provide us with an estimate of the costs involved were the termination date of the Commission to be extended till 1991?

12-On what sources would the Commission rely for the coverage of these costs?

ANSWERS:

An extension of the life of the Commission for two years might cost approximately $2 million per year in appropriations if it is assumed that the major work of the Commission would be concluded before 1990 and that organizational and equipment expenses would largely take place before then.

Quite possibly by 1990-1991, private donors will have been found to supplement appropriated funds in a two-year extension. Indeed it would facilitate planning in this and other ways if Congress decides soon on an extension through 1991, i.e., private fund raising donations could then be planned over the entire six-year term. By 1990, also, the Commission may have some annual income from license royalties, medal sales, sales of publications, etc., which could supplement a relatively modest appropriation.

It should be noted also that under Title V of Public Law 99-184, signed by the President on December 20, 1985, a major educational program is mandated to be carried out by the Commission and funds are authorized for this program through fiscal 1991. (A copy of the text of Title V is attached.)

QUESTION NO. 13.

13-A Federal judge has recently ruled that the Commission is not an advisory committee and can, therefore, continue to hold private meetings. The Commission's refusal to hold public meetings seems inconsistent with the openness of our government which our Constitution so effectively protects. Considering Senator Chiles' proposed amendment to S.1179 (see attached) would you please provide us with a detailed explanation for the Commission's objection to holding open meetings?

ANSWERS:

The Commission has authority to hold public meetings or meetings closed to the general public, and to hold executive sessions in which only members of the Commission are present. It has exercised this authority in all three categories. The Commission meeting on September 17, 1985, for example, was an open, public hearing lasting an entire day. A portion of the Commission's meeting planned for San Diego in February 1986 will be an open, public meeting, and there will undoubtedly be other such public meetings as the Commission's work continues.

The Commission meetings in July, August and November, 1985, were closed to the general public. Following each of these meetings, however, minutes of the meeting and resolutions adopted were made available to the public and the press. At the August meeting a short executive session was held to finalize the selection of a Staff Director.

Obviously there is no secret about what the Commission discusses or what conclusions it reaches, and these conclusions will always be made public. At each meeting some 18-21 Commissioners are present, including members of the Congress, Federal judges, lawyers, business leaders and university professors. They are all busy people to whom time is of the

essence. In addition, some Congressional aides are present and a number of staff from the Commission and, at times, from other governmental agencies. Members of Congress are welcome as guests to attend any and all meetings of the Commission. The House and Senate Historians have been invited to attend all Commission meetings.

It is the judgment of the Commission, for the time being, that much of the subject matter dealing with the internal organization of the Commission, its efforts to develop rules and regulations, its selection and employment of staff, its establishment of priorities and determination of procedures, its selection of agencies and private entities to work with, and matters related directly thereto, can be explored more freely in closed sessions. All Commissioners are pressed for time which they contribute without compensation for these Commission duties; they all have full-time occupations demanding their attention elsewhere, and under these circumstances it is both helpful and expeditious for some of the Commission's business to be conducted in closed sessions. Furthermore, the Commission has a very limited time schedule in which to carry out its functions under Public Law 99-101; the 200th anniversary year of 1987 is now just 12 months away.

Senator Chiles' amendment (Cong. Rec., Nov. 21, 1985, p. S16089) would thrust the Commission, willy-nilly, under the Government in the Sunshine Act, 5.U.S.C. Sec. 522b. That Act does not now apply to the Commission because its members are not appointed with the advice and consent of the Senate, one of that Act's criteria. Furthermore, the Commission does not resemble in its purpose, functions or membership, the types of collegial bodies to which that Act commonly applies: for example, the Interstate Commerce Commission, Securities Exchange Commission, Federal Trade Commission, Federal Communications Commission, or the Consumer Products Safety Commission. All of these are agencies with rulemaking authority affecting the public welfare, quite unlike the Commission on the Bicentennial of the United States Constitution.

Unlike the agencies subject to the Sunshine Act, the Commission is not a small, select, and limited-term collegial body but, rather, a large and varied group of 23 members "chosen from among individuals who have demonstrated scholarship, a strong sense of public service, expertise in the learned professions and abilities likely to contribute to the fulfillment of the duties of the Commission." Their appointments sought "to achieve a balanced membership representing to the maximum extent practicable, the Nation as a whole." (Sec. 4(b), Pub. L. 98-101.) They are the public's representatives, and when the Commission meets the public is present at the meeting through these various and distinguished Commissioners. For the record in this hearing, a brief biography of each Commissioner is enclosed.

Further, by including the language "a strong sense of public service" among the criteria for Commission appointment, Congress noted: "This is intended to be a measure of the willingness of

the potential appointee to attend all Commission meetings and undertake all tasks necessary to insure the accomplishment of the duties of the Commission." (Senate Report No. 98-68, to accompany S. 118, April 28, 1983, page 36.) The intention of Congress is clearly that the discussions and decisions of the Commission are to be conducted in such a way as to make it possible and convenient for a large group of very busy, very able, and very dedicated people drawn from all parts of the United States and all segments of American life, including all three branches of Government, to address themselves unreservedly and with dispatch to the purposes of the Commission.

Under these circumstances, the pressure of time is paramount and it is reasonable for the Commission to hold meetings in closed sessions as to much of its work. The comments adopted on June 28, 1984, by the Administrative Conference of the United States are pertinent here with respect to the impact of the Sunshine Act on the collegiality of agency decision making. These are as follows (Federal Administrative Procedure Sourcebook, Statutes and Related Materials, Administrative Conference of the United States, May 1985, page 667-668.):

> "Though no generally accepted standard for measuring the quality of agency decisions under the Government in the Sunshine Act has been devised, one of the clearest and most significant results of the Government in the Sunshine Act is to diminish the collegial character of the agency decision making process. The open meeting requirement has generated reluctance to discuss certain important matters; and discussions, when they occur, may not contribute to achieving a consensus position. In some agencies the pattern of decision making has shifted from collegial exchanges to one-on-one encounters, transmission of views through staff, and exchanges of memoranda or notation procedure. The inhibition of collegial exchanges, in turn, impedes the members in the collective exercise of their responsibilities, and tends to weaken the role of the collegium vis-a-vis that of the staff and the agency chairman.
>
> Congress was aware of the inherent and unavoidable tension between the values of openness in government and collegiality in decision making when it enacted the Government in the Sunshine Act, and it consciously chose a result that would maximize openness. Concessions were made in the statute to the need for maintaining the confidentiality of certain categories of information under discussion, but few if any concessions were made to the needs of the deliberative process as such. Although the legislative history indicates Congress believed that, after the initial period of adjustment,

sunshine would not have a significant inhibiting effect on collegial exchanges, unfortunately this has not been the case."

Members of the Commission in a meeting open to the general public and press would unquestionably be required to weigh and measure every word uttered, would be unlikely to offer spontaneous comments or recommendations in Commission discussions and would otherwise be guarded in fulfilling their duties as members. Such open meetings, moreover, would take far longer to arrange and conduct than allowing for full and free discussions at a session closed to the press and general public. Nor would it be possible to admit the print press without also making room for the electronic media, for one is equally worthy as the other. The work of the Commission in the limited time available to it, simply could not be carried out.

Nevertheless, in keeping with its purposes, the Commission is quite naturally eager to have the public informed of plans, programs, projects and activities as these are granted official recognition. The Commission has already begun, for example, to publish an annual calendar of historic and current events connected with the Bicentennial and a newsletter publicizing bicentennial plans and programs. The first report of the Commission has been widely distributed. As mentioned above, the minutes and resolutions of Commission meetings are always made public, including all recorded votes, and there is normally a press conference following any closed meeting.

Also, notices of future meeting dates have already been made public and a specific notice will be published in the Federal Register and elsewhere at the earliest practicable date concerning the time, place and subject matter of each prospective meeting, including a general agenda when available. This notice will provide, in addition, the name and telephone number of the Commission official designated to respond to requests for information about the meeting. It will also state whether the meeting is to be open or closed to the public, or what portions of the meeting are to be open or closed. If there is to be an opportunity for the Commission to hear testimony, the notice will also include the necessary information for witnesses to apply to testify or to file statements.

* * * * *

Attachments

Text of Title V of Public Law 99-184.
Brief Biographies of Commission Members.

An Act

To amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arts, Humanities, and Museums Amendments of 1985".

TITLE V—CONSTITUTIONAL BICENTENNIAL EDUCATION PROGRAM

SEC. 501. EDUCATION PROGRAM FOR THE COMMEMORATION OF THE BICENTENNIAL OF THE CONSTITUTION OF THE UNITED STATES AND THE BILL OF RIGHTS.

(a) GENERAL AUTHORITY.—(1) The Commission on the Bicentennial of the United States Constitution shall, in accordance with the provisions of this section, carry out an education program for the commemoration of the bicentennial of the Constitution of the United States and the Bill of Rights.

(2) To commemorate the bicentennial anniversary of the Constitution of the United States and the Bill of Rights, the Commission—

(A) is authorized to make grants to local educational agencies, private elementary and secondary schools, private organizations, individuals, and State and local public agencies in the United States for the development of instructional materials and programs on the Constitution of the United States and the Bill of Rights which are designed for use by elementary or secondary school students; and

(B) shall implement an annual national bicentennial Constitution and Bill of Rights competition based upon the programs developed and used by elementary and secondary schools.

(3) In carrying out the program authorized by this section, the Chairman of the Commission shall have the same authority as is established in section 10 of the National Foundation on the Arts and the Humanities Act of 1965.

(b) DEFINITION.—For the purpose of this section, the term "Commission" means the Commission on the Bicentennial of the United States Constitution.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out the provisions of this section.

(2) Amounts appropriated pursuant to paragraph (1) may be used for necessary administrative expenses, including staff.

Ms. OAKAR. I am supportive of what you are trying to do. I would just like to note parenthetically, and maybe it shouldn't come up, but what you are asking us to do is waive the authority of the classification system. One of the people on your Commission, Mrs. Schlafly, was vehemently opposed to a study of the Federal pay and classification systems which I sponsored. Does she support this legislation? I am just curious.

Mr. CANNON. The elements of this legislation were voted for by the Commission unanimously.

Ms. OAKAR. That's nice to know. It is a little different point of departure. But in any event, I support it, and I won't hold that against you.

Does anyone have anything further?

Mr. Myers.

Mr. MYERS. No, thank you.

Ms. OAKAR. Doctor, would you like to begin? We might have to leave. Chairman Garcia is coming back to chair this so we can go vote. So why don't you start. I might have to interrupt you, and I apologize.

STATEMENT OF SHEILAH MANN, DIRECTOR, PROJECT '87, THE AMERICAN CONSTITUTIONAL BICENTENNIAL

Ms. MANN. Thank you, Madam Chairman, I can be very brief. I am actually sorry to have missed Chairman Garcia because I was going to point out that I was born in his congressional district, and grew up not very far away. Among the very first county historical societies to express an interest in the Bicentennial was Bronx County Historical Society, and we continue to exchange correspondence. I now am in constant correspondence with the vice principal of my former junior high school. All of this is by way of really pointing to the fact that Project '87, which has been in operation as the joint effort of the American Historical Association and the American Political Science Association since 1978, is working on an enormous range of education programs and programs to enhance public understanding of the Constitution, has discovered an extraordinary amount of interest in teaching, and studying, and celebrating the Constitution among social studies teachers, curriculum supervisors, librarians, scholars, public officials, and civic groups.

We are literally deluged with requests for materials and for advice on how to honor the Bicentennial in a thoughtful way. It really is in this context that we welcome the opportunity to support the enhancement legislation for the Commission, to allow the Commission to have the resources, both financial and staff that it needs to serve the vast numbers of individuals and groups around the country that will want to get involved in the Bicentennial and achieve the objectives of a thoughtful celebration that have been pointed out by all of the other witnesses today.

I really will then enter my remarks in the record and let you go to your vote, unless you have any questions about Project '87.

[The statement of Ms. Mann follows:]

Dr. Sheilah Mann

Director

Project '87

I am pleased to appear before you today on behalf of Project '87, the joint effort of the American Historical Association and the American Political Science Association that has been working since 1978 to promote a thoughtful commemoration of the Bicentennial of the U.S. Constitution. Project '87 has sought to enhance education and public understanding of the Constitution through research and scholarly exchanges, teaching programs in schools and colleges, and public activities that heighten awareness of the Constitution and provoke informed discussion of constitutional issues.

A major part of our mission has been to serve as a clearinghouse for Bicentennial activities and as a source of materials and advice for groups and activities. Our quarterly magazine, this Constitution: A Bicentennial Chronicle, which features essays on constitutional history and issues, includes a "Bicentennial Gazette" reporting on activities throughout the country. Our book, Lessons on the Constitution is being adopted widely by professional development programs for elementary and secondary school teachers.

We have discovered an extraordinary interest in the approaching Bicentennial among social studies teachers, curriculum supervisors, librarians, scholars, public officials,

citizen groups. We are deluged with requests for teaching materials on the Constitution and for advice and assistance in planning Bicentennial programs.

It is in this context that we welcome this opportunity to speak on behalf of the Commission on the Bicentennial of the United States Constitution and to support the amendments to its enabling legislation as stated in H.R. 3559. We believe the Commission should be given the authority to raise funds and hire staff sufficient to fulfill its mandate to "promote and coordinate activities to commemorate the Bicentennial of the Constitution." The amendments contained in H.R. 3559 do just that.

Planning is already underway in communities, civic groups, schools and libraries throughout the country to observe the 200th anniversary of the Constitution. Many of these groups are looking to the Commission to galvanize the public's interest and to make available the resources and materials needed to advance their local programs. We believe the Congress should give the Commission the opportunity it needs to acquire resources to meet these expectations.

Project '87 will continue its work throughout the Bicentennial era, as will the many other private groups seeking

to make this Bicentennial a memorable educational experience. With adequate resources, the Commission will be able to build on these efforts by extending their reach to every part of the country. Indeed, this Bicentennial should leave a legacy of extensive education and knowledge about the American founders, the principles of American democracy and the promise of American life.

PROJECT '87

A PROSPECTUS

Project '87 aims to utilize the occasion of the 1987 Bicentennial of the Constitution of the United States to enhance understanding and appreciation of this charter of government. Project '87 has set in motion a comprehensive program to realize this goal. It now invites the participation and support of American enterprises, foundations and private citizens in this national effort.

A not-for-profit organization, founded in 1977 by prominent American historians and political scientists, Project '87 is dedicated to a substantive celebration of that extraordinary document which has framed the institutions of our federal government, set the standards for conduct of our political life, and served as a model for representative government and free societies everywhere.

The Bicentennial of the Constitution of the United States in 1987 marks the creation of a unique instrument of government. More than any other written constitution, the document framing this government was a departure--a courageous innovation in governance. Since its adoption, it has served as the continuing standard for American political life and as a powerful model for other nations. This Bicentennial deserves to be observed by more than festivities, it calls for programs that communicate the meaning of the Constitution.

To this end, Project '87 is now planning a series of events to engage the public. In preparation for this task, Project '87 has assumed a pivotal role in formulating Bicentennial activities and has been serving as a consultant to and clearinghouse for organizations planning these activities.

This prospectus on our Bicentennial program begins with a description of Project '87's governance and sources of support. A review of its achievements and current activities follows. A concluding section identifies the events now underway to celebrate the Constitution's Bicentennial, a program that now seeks your support.

A. Project '87: Governance and Strategy

With the Chief Justice of the United States, Warren Burger, serving as its Honorary Chairman, Project '87 has been undertaken as a special effort of the American Historical Association and the American Political Science Association, both non-profit, professional and educational associations. Governed by a Joint Committee of scholars from both Associations and served by an advisory board, Project '87 has received support from several major foundations and the National Endowment for the Humanities.

The two sponsoring Associations administer the grants awarded the project's activities and publications. Core support has been provided

by the William and Flora Hewlett Foundation. Other grants and contributions support specific programs and events.

Project '87 maintains a small staff using joint ventures with organizations that have the necessary production staffs and/or grassroots organizations for its media and education efforts.

After the Bicentennial era, the publications and programs will continue to be promoted and distributed by the two sponsoring Associations to enhance education and appreciation of the Constitution for some time to come.

B. Project '87: A Review

Project '87 was established in the wake of the 1976 Bicentennial in order to assure that the two-hundredth anniversary of the unique document that established our fundamental freedoms will serve to strengthen that legacy through thoughtful studies and a series of thought-provoking events. Its activities are organized into three major stages.

Stage I began with a broad program of research and scholarship on constitutional issues. Fifty research grants and fellowships were awarded. Five conferences were organized and the conference papers published. Project '87 continues to support research and is sponsoring the archival search for documents on the Constitutional Convention. The documents will be published by Yale University Press in one or more volumes to supplement the Records of the Federal Convention of 1787, originally edited by Max Farrand.

Stage II extends constitutional scholarship through an education program. Launched with a 1980 conference on "Teaching About the Constitution in American Secondary Schools" that produced a book bearing the same title, the conferees' proposals also led to the

development of book of Lessons on the Constitution. The sixty lessons in the book are designed to be used as supplements to secondary school courses in civics, American history and American government.

For college faculty, twelve seminars have been conducted over the past three summers, 1983 to 1985. Nearly three hundred college teachers have participated in this program. Project '87's education efforts reach other countries through workshops for teachers and scholarly exchanges.

The education effort also entails the preparation of two television-assisted courses. One course, for intermediate junior high school students is being produced with the Agency for Instructional Technology (AIT). A second course designed for adults, is being produced in conjunction with the International University Consortium and Maryland Public Television.

Project '87 has now embarked on Stage III, its major effort to reach the widest possible public with the substance and significance of what was created at Philadelphia in 1787. The connection for the education effort and public service is the quarterly magazine entitled, this Constitution: A Bicentennial Chronicle.

this Constitution provides interesting and accessible articles, documents and classroom lessons and also serves as a clearinghouse for information about Bicentennial activities. Features from the magazine are being reprinted in other publications both in the United States and in other countries. Recent issues have included listings of several hundred scholars throughout the fifty states who can be called upon to consult on or participate in Bicentennial programs in their own communities.

C. A Bicentennial Program

Stage III, the public programs themselves, began with a conference on April 2, 1985, to honor the Bicentennial of the Mount Vernon Conference, the meeting between Virginia and Maryland that led, ultimately, to the Constitutional Convention. Chief Justice Warren E. Burger hosted a dinner at the Supreme Court for the conferees on April 1, 1985. The conference, held at Mount Vernon, Virginia and co-hosted by the Mount Vernon Ladies' Association of the Union, was devoted to the theme, "The Constitution: Commerce and 'the Pursuit of Happiness'." It featured talks by Malcolm Baldrige, Secretary of Commerce; Charles S. Robb, Governor of Virginia; and Harry Hughes, Governor of Maryland.

The conference provided the opportunity to inform invited corporate and foundation officials and several members of the newly-appointed United States Bicentennial Commission how the Constitution's Bicentennial might best serve the public. Project '87 has been encouraged to move ahead with broader public programs and seek the financial support needed to do so. A list of the component activities and costs follows. Many of these programs can and will be combined--particularly within communities--in order to reach large and diverse groups of people. For example, placement of the poster exhibit can be coordinated with the in-school television series, community forums and broadcast of the public television series. Local sponsors are invited to support and announce particular events.

1. Instructional Television

Each of these programs has already received considerable support and requires only the funding listed.

- Television-assisted, college-level course on the Constitution: a collaboration among Project '87, the International University Consortium and Maryland Public

Television. The course, entitled "This Constitution: A History," includes eight one-half hour television programs, a Course Guide and an Anthology of Readings. The television programs are designed to have high production quality and appeal to a general viewing audience.

$100,000

- Middle school/junior high school instructional television series: a joint effort of Project '87 and the Agency for Instructional Technology. The series will have six fifteen minute television programs, accompanied by teachers' guides.

$100,000

2. Poster Exhibit: "The Blessings of Liberty"

Twelve posters depicting the Constitutional Era: the events leading to the convention, the Convention, the Ratification debates, and the Bill of Rights, accompanied by a booklet narrating these events. The posters can be mounted by schools, libraries and historical societies in conjunction with special classes, book discussion programs and lectures. Moreover, the exhibit can be used in subsequent years to honor the anniversary of the signing of the Constitution.

$150,000

3. The James Madison Fellowships

A joint teacher-community program for thoughtful local celebration of the Bicentennial. A series of summer institutes for teachers receiving a James Madison Fellowship would enhance their knowledge of and ability to teach about the Constitution and provide guidance and assistance for the creation of community programs. The community programs would be able to use Project '87's instructional materials and the poster exhibit.

$200,000 per institute, 1986-89

4. Conferences at Independence National Historical Park, May, 1987, and at Montpelier, October, 1987

The first conference will commemorate the opening of the Constitutional Convention. The conference at Montpelier will honor James Madison and examine his ideas about the objectives of the Constitution and the design of the government remain relevant. Both programs will move from scholarly presentations to public events.

$200,000

5. An International Network of College Faculty

A series of college faculty seminars designed to have faculty from other countries join the American participants.

$200,000 per summer, 1986-89

6. Program Fund

Support to provide funds to colleges, schools and libraries for purchasing major books on the Constitution, and to provide honoraria for speakers and for teaching workshops.

$200,000

7. Distribution of this Constitution

We would like to provide a free subscription to this Constitution to every public library, school library and social studies teacher for 1986-1989.

$250,000 a year for direct costs of 150,000 subscriptions

8. Constitutional Forums

A series of five national "town meeting" programs on constitutional issues held in conjunction with key Bicentennial dates, to be jointly sponsored with appropriate organizations.

$500,000

In addition to its own programs, Project '87 will continue to assist other organizations--public and private--in their efforts for the Bicentennial of the Constitution. All activities and associated publications, posters and television programs have been carefully selected and designed to reach the people and serve them well.

We invite expressions of interest and willingness to help finance Project '87, in any or all of these specific plans or in general support of its program.

Inquiries should be addressed to:

Dr. Sheilah Mann, Director
Project '87
1527 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 483-2512

Ms. OAKAR. I know you have some excellent testimony for the record and we apologize about the brevity of this hearing. But I think it was necessary to put your remarks on record so that we have background information when we go to the full committee, if that is the procedure we follow.

Ms. MANN. I just have one final thing, that we would hope that the Commission, and I think as already indicated by Dr. Cannon, will assist all of these individuals in helping them, too, to create the resources and acquire the materials that the Commission will be providing. Thank you.

Ms. OAKAR. We are going to submit questions to you in writing for the record. .

Mr. Myers.

Mr. MYERS. Thank you very much for your fine testimony and your contribution to making 1987 a most important year—celebration. Thank you.

Ms. OAKAR. Very exciting times.

Thank you very much. The committee is adjourned.

[Whereupon, at 10:10 a.m., the subcommittees were adjourned.]

[The following explanation of H.R. 3559 was ordered placed in the record:]

EXPLANATION OF H.R. 3559

PURPOSE: To amend the Act establishing a Commission on the Bicentennial of the Constitution of the United States to clarify the status of employees of the Commission, to raise limits on private contributions, and for other purposes.

SOURCE: Introduced by Congresswoman Boggs and Congressman Crane, by the request of the Bicentennial Commission on the Constitution, on October 11, 1985, and referred to the Committee on Post Office and Civil Service. The Subcommittees on Census and Population and Compensation and Employee Benefits have joint jurisdiction over the bill.

BACKGROUND: In September, 1983, the President signed into law P.L. 98-101, designating the Commission on the Bicentennial of the United States Constitution. P.L. 98-101 provides for 23 commissioners to plan celebration activities to honor the 200th anniversary of the Constitutional Convention on September 17, 1987.

The Commission is comprised of 20 members appointed by the President -- 4 of whom on the recommendation of the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives; 4 of whom on the recommendation of the President Pro Tempore of the Senate in consultation with the Minority Leader in the Senate; 4 of whom on the recommendation of the Chief Justice of the United States. The Chief Justice of the United States (or his designee), the President Pro Tempore of the Senate (or his designee), and the Speaker of the House of Representatives (or his designee) are also members of the Commission.

P.L. 98-101 stipulates that Commissioners will serve without pay, and will choose among themselves a chair. Twelve members will constitute a quorum. Commissioners will be reimbursed for travel and other work related expenses. The Commission has mailing privileges and can contract with the General Services Administration to establish support service agreements.

The Commission has the power to hire staff in 3 ways. First, the Commission can hire a staff director, whose salary cannot exceed the pay of an Executive Level I employee, and a maximum of 5 persons to assist the Commission. These assistants' pay cannot exceed the maximum rate of pay for GS-18 employees. Both the director and the support staff will be paid from Federal funds. Second, the Commission can hire up to 40 other staff to be paid from private funds acquired through donations. Third, the Commission can request each agency to detail staff. The total number of agency detailees cannot exceed 20.

The law grants the Commission authority to accept private donations and provides that the Commission must establish guidelines governing those donations. Donations from an individual cannot exceed $25,000 a year and donations from a business entity cannot exceed $100,000 a year.

P.L. 98-101 also authorizes the Commission to design and use a logo as the official emblem of the bicentennial celebration. The logo can be used by others, as prescribed by the Commission; yet, the Commission is prohibited from selling or leasing the service.

Three hundred thousand dollars was authorized to the Commission for fiscal year 1984. Appropriate sums of money for each subsequent year through fiscal year 1987 were authorized in P.L. 98-101.

Although P.L. 98-101 became effective on September 29, 1983, Commissioners were not appointed until July 16, 1985. The 2 year delay has caused both logistical and fiscal problems for the Commission, placing constraints on their ultimate purpose of planning a celebration to commemorate the Constitution. H.R. 3559 was introduced to alleviate some of those constraints.

SUMMARY: Section 1 of the bill defines the following terms:

"Bicentennial logo" means the official logo of the Bicentennial of the Constitution, as designed and designated by the Commission pursuant to section 5(k) of P.L. 98-101; and

"Commission" means the Commission on the Bicentennial of the United States Constitution.

Section 1 also states that neither P.L. 98-101 nor

H.R. 3559 should conflict with any activities celebrating the 200th anniversary of the Constitution being sponsored by state or local entities.

Section 2 of the bill would amend language contained in P.L. 98-101 by eliminating the cap on the number of publicly paid employees to be hired by the Commission and by changing the 20 person limit on agency detailees to 40.

Section 2 of the bill would also amend Section 5(h)(2)(A) and (B) of P.L. 98-101 by re-establishing donation limits. The $25,000 a year individual donation would be increased to $250,000. The $100,000 a year corporate donation would be increased to $1,000,000.

Section 2 of the bill would grant the Commission authority to transfer money to any agency if the Commission determines that the funds would promote the commemoration of the bicentennial of the Constitution of the United States.

Section 3 of the bill would allow the Commission to authorize use of its logo for noncommercial, educational purposes.

Section 4 of the bill would direct Government agencies to cooperate with the Commission in carrying out its duties.

Section 5 would outline the guidelines for commercial licensing of the Commission's logo. A user fee reasonably reflective of the commercial value of the logo and an expiration date for use would be established by the Commission. A condition of nonexclusive licensing and the prohibition of sublicensing and transfers would also be included in the terms of the guidelines.

Section 5 would also allow the Commission to establish additional terms and conditions for commercial use of its logo.

Section 6 would grant the Commission authority to revoke any license if it were determined that the user was not complying with the terms of the license, if use of the logo was injurous, or offensive.

Section 7 would establish criminal penalties for those persons who knowingly use the logo for profit making reasons, either through manufacturing,

reproducing, or distributing, and without specific written permission by the Commission. The penalty cannot exceed $250, 6 months imprisonment, or a combination of the two penalties.

Section 7 also would establish civil penalties for those who violate the use of the logo. The amount of civil penalties would be equal to the amount of royalty or payment that should have been made to the Commission for use of the logo, plus any reasonable attorney fees and costs. The section would grant the Commission authority to bring a civil action to any court of competent jurisdiction to enforce the provisions of the Act and to recover the penalty.

Section 8 would extend the duration of the Commission to 1991 and would extend appropriations for the Commission until it expires.